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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/829,949      | 04/11/2001  | Masaharu Itoh        | 104814.01           | 7693             |

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EXAMINER

CHEVALIER, ROBERT

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2616

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/829,949

Applicant(s)

ITOH, MASA HARU

Examiner

Bob Chevalier

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-8 rejected under 35 U.S.C. 102(e) as being anticipated by Ikeda et al.

Ikeda et al discloses an image recording/reproducing apparatus that shows all the limitations recited in claims 1, and 6-8, including the feature of reading out a plurality of sets of image information recorded on the recording medium and displaying the same on a display device (See Ikeda et al's Figure 1, components 3, 1, and the display screen), the feature of selecting the image information among the image information displayed at the display device and output the selected image information through an output device (See the capability of selecting one the displayed thumbnails and outputting the moving image information corresponding to the selected displayed thumbnails through an output device as shown in Ikeda et al's Figure 1, component 4, 1, and the display screen which is considered to be equivalent to the claimed output device), and the feature of ensuring that image information read out by the read device is not provided to the display device while image information is being output by the output device as specified in the present claims 1, and 6-8. (See Ikeda et al's page 2, paragraph [0034], lines 12-17, where it is disclosed that the reproduced moving image

information is displayed in the thumbnail display area, that is, during the display of the moving pictures the thumbnail images are not displayed).

With regard to claim 2, the feature of the image-capturing device that captures an image of a subject and recording the same in the recording medium as specified thereof is present in Ikeda et al. (See Ikeda et al's Figure 3, components 32, and 22).

With regard to claim 3, the feature of switching either the captured image information or the image information read out from the recording medium for display at the display device as specified thereof is present in Ikeda et al. (See Ikeda et al's page 5, paragraph [0083], lines 7-10).

With regard to claim 4, the feature of the recording medium having dynamic image information recorded thereon and generating still image information to be displayed at the display device based upon the dynamic image information recorded in the recording medium as specified thereof is present in Ikeda et al. (See Ikeda et al's page 3, paragraph [0058]).

With regard to claim 5, the feature of the image information output by the output device being dynamic image information and the display device displays the dynamic image information currently output by the output device as specified thereof is present in the cited reference. (See the capability of displaying moving image information on the display means shown in Ikeda et al's Figure 3, component 27; it is to be noted that the Ikeda et al's display means is regarded as both the output device and the display device as claimed).

**Conclusion**

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sull et al discloses an apparatus for viewing, browsing, navigating, and bookmarking videos and displaying images.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bob Chevalier whose telephone number is 703-305-4780. The examiner can normally be reached on MM-F (9:00-6:30), second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

B. Chevalier  
February 2, 2005.

  
ROBERT CHEVALIER  
PRIMARY EXAMINER